



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
August 13, 2014

Agenda Item: Review and Comment (RC-14-207) on rezoning application Z-14-043 at 776 Mercer Street- Property is zoned R-4B/ Grant Park Historic District (Subarea 1)/Beltline.

Applicant: Philipe Pellerin
744 Hill Street

Facts: The property in question is located at the eastern boundary of the Grant Park Historic District.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (e) Powers and Duties: The commission is the city agency responsible for developing and administering the city's historic preservation and urban design activities and shall have the following powers and duties:
 - (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

The property in question fronts 176.43' on Mercer Street and has a depth of 227.68'. Given the requirements of the current underlying R-4B zoning, a lot of this size could usually be subdivided into four lots without being rezoned. In looking at the site plan, there is an existing 5' sewer easement that cuts through the property. The existing sewer easement prevents the subdivision of the property into four lots that would all face Mercer. The Applicant is proposing to rezone the property from R-4B to PD-H in order to create eight lots on the property. Staff would note that most PD-H rezoning proposals are site plan specific. As such, approval of the PD-H would be approval of the site plan submitted. While Staff could potentially be supportive of a rezoning that would allow the creation of four lots, Staff finds the proposed site layout is not appropriate and does not meet the historic district requirements.

Per the historic district regulations, the side yard setbacks can either be no less than 7' or can match the side yard setbacks of the previously existing house. The rear yard setback can be no less than 7'. The proposed side and rear yard setback is 5'. Given the information we have at this time, Staff finds the proposed side and rear yard setbacks do not meet the historic district requirements. Staff cannot support a site plan that does not meet the side and rear yard setback requirements.

Per the historic district regulations, the front yard setback is based either on a previously existing historic house or the compatibility rule. The proposed front yard setback is 20'. It is not clear what the proposed front yard setback is based on. Staff has concerns as historic houses in Grant Park are often closer to the street than 20'. Staff suggests the proposed front yard setbacks meet the historic district requirements.

The existing underlying zoning requires off-street parking. The site plan submitted indicates off-street parking that is located in the front yard. Per historic district regulations, parking is not allowed in the front yard. Staff cannot support a rezoning that includes a site plan that indicates parking in the front yard for all properties.

Staff has a general concern regarding the overall design of the lots. In the Grant Park Historic District, most lots are rectilinear and have a significantly larger frontage than depth. In looking at how the proposed lots relate to the existing street and the proposed street, Staff finds many of the lots are more square than rectilinear. Staff finds the overall design of the lots is not consistent and compatible with the majority of the existing lots in the district. Staff cannot support a rezoning that creates lots that are not consistent or compatible with the existing or historic pattern of lots in the district.

In general, Staff finds the proposed rezoning will create eight lots in a location where four lots is more appropriate and allowed by the underlying zoning. As there is an existing sewer easement, Staff can support a rezoning to PD-H that would allow the creation of four lots. Staff would support a rezoning to PD-H that would create lots that meet all of the historic district requirements. Instead of creating a new street and eight lots, Staff suggests the site plan indicate three lots that face Mercer Street and an easement that leads to a fourth lot in the rear of the property. As the fourth lot would not face Mercer, Staff finds there is room for flexibility regarding the design of the rear lot. Staff further suggests that the storm management area be located at the rear of the property and not right on Mercer Street.

Based on the information we have at this time, Staff cannot support the proposed rezoning as submitted. Staff suggests the Applicant revise the request and site plan with the following considerations:

- The number of lots shall be reduced from eight to four.
- The proposed setbacks shall meet the historic district regulations.
- The proposed parking shall meet the historic district regulations.
- The proposed lots shall be rectilinear with frontages that are significantly larger than the depth.
- The storm management area shall not face the street and shall be located towards the rear of the property.

Staff recommendation: A letter with a request for a deferral and a revision to the site plan be sent to the Applicant and the appropriate Staff of the Office of Planning regarding Review and Comment (RC-14-207) on rezoning application Z-14-043 at **776 Mercer Street-** Property is zoned R-4B/ Grant Park Historic District (Subarea 1)/Beltline.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

August 13, 2014

Agenda Item: Review and Comment (RC-14-208) for renaming of Ferris Street (between Beecher Street, SW and Westwood Avenue, SW) to R. Roscoe Morrow Street at **Ferris Street**.

Applicant: Crystal Ingram
700 Ferris Street

Facts: The City Council City Utilities is considering a proposal to rename Ferris Street to R. Roscoe Morrow Street. Ferris Street is located Westwood Terrace neighborhood in NPU I.

In the materials submitted with the application, no information was included regarding Ferris Street. It is not clear when or why the street received its name. In order to make an informed comment, Staff finds it is important to have information on the current street name.

Analysis: The following code sections apply to this application:

Per Section 138-8 of the Atlanta City Code:

(e) *Urban design commission review and comment.* All street renamings and dedications located in the City of Atlanta must be reviewed by the urban design commission and be the subject of a regularly scheduled commission meeting. In advance of such a meeting, neighborhood associations, historical groups, historic preservation groups, and other interested parties will be notified that the street renaming or dedication has been placed on the commission's agenda. After the meeting, written findings regarding the street renaming or dedication must be forwarded to the city's commissioner of its department of public works and must be received by the commissioner before the commissioner is authorized to submit to the city council legislation authorizing the street renaming or dedication.

The naming or renaming of a street (or any other City-related facility) is a significant undertaking by the City as it is one of the few ways for a person or event to be honored by the City by giving it a potentially permanent place in the City's future and thus its history. When streets and facilities (whether from the City's founding or more recently) are considered for renaming, the Staff finds that it is not appropriate to compare the significance of the existing name vs. the proposed name to each other (and by extension the people, events, or locations memorialized in those names). It is more appropriate to

consider the respective honorees in relation to the era in which their significance is associated and how that significance is related to the City of Atlanta.

When taking this approach into account, the Staff finds Mr. R. Roscoe Morrow is a potentially important figure for his support and leadership in the community. The Staff would add that it is unaware of any other official City recognition (by way of a street or facility name) for Mr. R. Roscoe Morrow. Given the lack of information we have about Ferris Street, it is unclear the significance of the name or any contributions made to the immediate community or the City of Atlanta.

In conclusion, the Staff finds that both the namesake of Ferris Street and Mr. R. Roscoe Morrow are likely worthy of recognition for their contributions. Therefore, the Staff would recommend that if Ferris Street is renamed to R. Roscoe Morrow Street, recognition of the namesake of Ferris Street should be implemented by the City if appropriate.

Staff Recommendation: Staff recommends that a letter with the comments and findings of the Commission and Staff (as noted in the Staff Report) regarding the Review and Comment (RC-14-208) for renaming of Ferris Street (between Beecher Street, SW and Westwood Avenue, SW) to R. Roscoe Morrow Street at **Ferris Street** are sent to the Applicant and the appropriate City agencies.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-01
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

August 13, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-223) for a variance to reduce the west side yard setback from 25 feet (required) to 12 feet (proposed) and to reduce the rear yard setback from 100 ft (required) to 71 feet (proposed), and (CA3-14-217) for alterations, additions, and site work at **1384 Fairview Rd.** Property is zoned Druid Hills Landmark District.

Applicant: Chris Hamilton
675 Seminole Ave.

Facts: According to the architectural survey in 2002, this dwelling built in 1926 and is contributing. Earlier this year, the Commission approved with conditions an application for renovations to the existing house (CA2-14-202). All of the work is related to the accessory structure and the driveway. The Applicant proposes to extensively renovate and add a partial second story to the existing accessory structure, and replace and widen the driveway by 1 ft.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code:

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark buildings and sites:

(b) To change the exterior appearance of any structure within any Landmark District;

Per Section 16-20B.003 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater... Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

1. Minimum off-street parking requirements:

- a. Off-street parking will not be permitted in any front yard nor in any side yard within 50 feet of a street line, except for Moreland Avenue, where a 60-foot limit shall apply. For the purpose of this parking regulation, the front yard shall be that area between the street line and the forward line of the principal structure.
- b. No off-street parking shall be located within 20 feet of any lot line except as may be authorized by the Atlanta Urban Design Commission under section 16-20B.004(6).

- (3) Minimum landscaping requirements: The overall quality of the landscaped area visible from public ways should be preserved as an integral part of the historic character of Druid Hills, and the following regulations shall apply to all parcels located within the district:
- A certificate of appropriateness shall be required for the clearance or removal of any tree with a caliper of four (4) inches or greater and shrub massings or hedges over three (3) feet high.
 - All trees with a caliper of four (4) inches or greater as measured four (4) feet above the ground, outside of the building site which are cleared for any reason, shall be replaced with trees having a minimum caliper of one and one-half (1 ½) inches.
 - A certificate of appropriateness shall be required for any major change in the landscape which is visible from the public right-of-way. Removal or changes in topography, walls (retaining or freestanding), and fences shall constitute a major change.
 - Any construction in the Druid Hills Landmark District shall maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the district. Landscape changes visible from the public right-of-way shall require a Certificate of Appropriateness and shall follow the standards set forth by the Secretary of the Interior. These standards, *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*, are designed to assist individual property owners in the formulation of plans for maintenance and continued use of historic properties and landscapes."
- (4) Minimum drainage controls: Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
- No structure shall be permitted within any 100-year floodplain.
 - No single-family structure shall be constructed on natural slopes greater than 25 percent.
 - No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (5) Minimum architectural controls: Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.
- Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation REHABILITATION IS DEFINED as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

- A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Sec. 16-20B.005. Fairview Road regulations.

The following regulations shall apply to any proposed development on any property located on Fairview Road:

- Permitted principal uses and structures:
 - Single-family dwellings.

- (2) Permitted accessory uses and structures: Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
 - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
 - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
 - c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
 - d. Home occupations.
- (4) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) Minimum yard requirements:
 - a. Setbacks:
 - (2) North side, Springdale Road to Oakdale Road, NE:
 - Front yard: 90 feet.
 - Side yards: 25 feet.
 - Rear yard: 100 feet.
- (6) Maximum height: No building shall exceed a height of 35 feet.

Sec. 16-20B.008. Variances, special exceptions and appeals.

- (1) The urban design commission shall have the power to hear, grant or deny all variances from the sections of this chapter and all special exceptions as will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provision in a particular case will result in unnecessary hardship, provided that the spirit of the chapter shall be preserved, public welfare and safety secured, and substantial justice done. The criteria and the procedures for such variances and special exceptions shall be the same as so specified in chapter 26 of this part for the board of zoning adjustment.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

The Commission reviews alterations to any structure within the district, whether or not the alterations can be seen from the public right-of-way.

Variance Analysis

The Applicant submitted a variance argument that was a part of the original application package. The existing structure is located within both the rear and side yard setbacks, so any addition to the structure on those sides would require a variance. (An addition to the top of the structure, as proposed, must still meet the current setback requirements and thus the current variance request.) An addition to the front, interior side, or rear of the structure could necessitate removing existing landscape/garden features and/or revising the layout of the existing driveway / turn around area depending in the extent of the addition.

Taking into account the circumstances of the accessory structure in relationship to the variance criteria and the proposal at hand, the Staff would support the reduction in the side and rear yard setback requirements.

However, as noted later in the Staff Report, the Staff has substantial concerns about the effect of the second story addition on the historic character of the structure. The Staff finds that an addition to the rear of the existing structure would likely retain substantially more of the existing structure's form,

massing, and historic fabric. Given that a variance would be needed for almost any addition to the existing structure and a rear addition could have less substantial effects in the existing accessory structure, the Staff would strongly suggest a revised variance request to allow for a rear addition to the existing accessory structure. A rear addition could also allow for more flexibility at to the renovations of the existing accessory structure.

General Site and Use Requirements

The lot fronts about 150' on the north side of Fairview Road and has a depth of about 292' on its longest side. Taking into account the Staff's recommend regarding the side and rear yard setbacks, the Staff finds that the setbacks of the proposed project would meet the District regulations.

Per the District regulations, the lot coverage can be no more than 35%. The proposed lot coverage is not indicated on the site plan. The lot coverage would change with an increase in the width of the driveway. The Staff would recommend the site plan indicate the existing and proposed lot coverage and that the proposed lot coverage meet the District regulations.

There are no notes on the proposed site plan regarding the relationship to the 100 year flood plain. The Staff would recommend the Applicant document that none of the proposed work will occur within the 100 year flood plain.

Given the current proposal has no effect on the footprint of the accessory structure there is no concern about any construction on slopes greater than 15% (any structure) or 25% (the principal structure).

It does not appear that trees will be affected by the proposed work on the accessory structure, given that there is no change in the structure's footprint. However, the increase in the width of the driveway could affect trees. The Staff would recommend that the District's tree-related requirements are met if any trees are affected by the proposed increase in the width of the driveway.

Regarding the existing and proposed use, the Staff finds that the existing use as an in-law suite is similar to the type of uses listed for accessory structures in the District regulations. The Staff would note that if the proposed living space above the garage is still used for an in-law suite or someone employed by the property owner, the use would still be permitted. However, if the living space was not occupied by a family member or someone employed by the property owner the use would not be permitted by the regulations. The Staff would recommend the Applicant clarify the proposed use of the living space in the accessory structure.

Project Components

Alterations and Additions to the Accessory Structure

The Staff would concur that the garage doors, the triple windows, and some other features of the existing accessory structure are non-historic alterations and the existing roof structure is too low to allow for head height at its existing height.

However, as noted in its recommendation on the variance, the Staff is very concerned about the extent and scope of the renovations and additions. The proposed design would change the roof pitch and form, change the locations and proportions of the exterior materials, remove the few remaining historic features (some eaves, faux half-timbering, some stucco), and infill the rear porch area. In short, the proposed accessory structure would only have a limited visual relationship to and connection with the existing accessory structure. While the proposed design might be considered compatible with the house

when viewed as an end product, it would result in the effective demolition of the existing accessory structure.

Further, it is not clear from the photographs if all the windows are non-historic or if the existing brick is non-historic. Given that the faux half-timbering matches the house, the Staff would presume that it is historic. It would also appear that the existing door facing the driveway would suggest that the finish floor is higher in that portion of the building, but the proposed elevations show the garage doors at grade level. Taking into account the Staff's commentary on the existing variance, the Staff would recommend the alterations and additions are re-designed to retain substantially more of the existing accessory structure's massing, roof form, and remaining historic materials.

Driveway Work

While the existing driveway would appear to be original to the property, the Staff has no concerns about its replacement or the minimal increase in its width. However, the Staff would recommend that the new driveway have the same material finish and same curbing profile as the existing driveway.

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.003, 16-20B.006, and 16-2.

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-14-223) for a variance to reduce the west side yard setback from 25 feet (required) to 12 feet (proposed) and to reduce the rear yard setback from 100 ft (required) to 71 feet (proposed at **1384 Fairview Rd**. Property is zoned Druid Hills Landmark District.

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.003 and 16-20B.006.

The Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-14-217) for alterations, an addition, and site work at **1384 Fairview Road**– Property is zoned Druid Hills Historic District, to allow time for the Applicant to address the following comments and concerns:

1. The site plan shall indicate the existing and proposed lot coverage and that the proposed lot coverage shall meet the District regulations, per Section 16-20B.005(4);
2. The Applicant shall document that none of the proposed work will occur within the 100 year flood plain, per Section 16-20B.003(4)(a);
3. The District's tree-related requirements shall be met if any trees are affected by the proposed increase in the width of the driveway, per Section 16-20B.003(3);
4. The Applicant shall clarify the proposed use of the living space in the accessory structure, per Section 16-20B.005(2);
5. The alterations and additions shall be re-designed to retain substantially more of the existing accessory structure's massing, roof form, and remaining historic materials, per Section 16-20B.003(5);
6. The new driveway shall have the same material finish and same curbing profile as the existing driveway, per Section 16-20B.003(3) and (5); and
7. The Applicant shall submit revised plans and any required supporting materials, including the required number of copies, at least eight (8) days before the Commission meeting to which this application is deferred.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

August 13, 2014

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-14-218) for an addition at **1066 Colquitt Avenue** – Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: Barbara Cuson
3395 E. Fairview Road, Stockbridge

Facts: According to the District inventory sheet, the house was built in 1910 and is considered contributing to the District. The one-story, gable bungalow sits on a generally rectangular lot located on the southeast corner of Colquitt Avenue and Sinclair Avenue. The majority of the lot sits above sidewalk and street level, and is accessed by a set of site stairs up from the sidewalk.

At some point between January, 2012 and October, 2013, a wood deck, railing, and bench were built to the right of the original front porch. This wood deck covers what would appear to be an exterior access door to the basement. In October, 2012 a complaint was registered with the City's Office of Buildings regarding the construction of the deck. In October, 2013, the Commission reviewed and approved with conditions major renovations to the house (which have been completed) and the following condition related to the front porch area:

"The front porch addition shall be removed, per Section 16-20L.006(1)(i) and (j);"

The Applicant is now applying to remove the wood deck and build essentially an extension of / addition to the existing front porch making it into a full width porch, though with no railing and an almost flat hipped roof on the new portion.

(The Applicant makes reference in their submitted narrative to their proposed design partially following the "Staff recommendations" in October, 2013 regarding making the deck into an extension of the front porch. The Staff recommendation was not followed by the Commission in making its final decision.)

Analysis: The following code sections apply to this application:

Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Inman Park Historic District.

1. General criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
- b. In the Inman Park Historic District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
 - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- d. Compatibility rule:
 - i. The intent of the mayor and council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face; and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945.
 - ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:
 - (a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure.
 - (b) Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

2. Certificates of appropriateness.
 - a. Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - d. Type III certificates of appropriateness shall be reviewed by the commission and shall be required for:
 - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.

Sec. 16-20L.006. - Specific regulations for Inman Park Core District, Subarea 1.

In the Inman Park Core District, Subarea 1, the commission shall apply the standards referenced in section 16-20L.005(1)(b) only if the standards set forth below in this chapter 20L do not specifically address the application:

1. Design standards and other criteria for construction of and for additions to one- and two-family residential structures.
 - e. All front façades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the compatibility rule shall apply.
 - f. The compatibility rule shall apply to the form and pitch of the primary roof of the principal structure.
 - i. Front porches on principal structures shall be required. The compatibility rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of eight feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.
 - j. Decks are permitted only when located to the rear of the principal structure. Such decks shall be no wider than the width of the house and shall not project beyond the side façade of the existing house.
 - q. The compatibility rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - iv. The material and texture of stucco.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
2. *Setback requirements:*
 - b. *New additions to existing structures:* The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.

Site Work and Setbacks

There is no site work proposed as part of the application, except for that associated with the continuous foundation for the front porch extension / addition. The proposed front porch extension / addition meets the District's setback requirements given that it aligns with the front porch's front setback and is slightly inset from the existing house on the interior side of the lot.

Previously Built Wood Deck and Proposed Front Porch Extension / Addition

As noted in the Staff Report from October, 2013, the Staff has three concerns about the existing deck. First, decks are not permitted in the front yard of the District. Second, the deck does not have a continuous masonry foundation as is the case with the rest of the house and the original front porch. Third, the railing of the wood deck mimics the railing of the original front porch. This design approach will make the two railings appear as if they were built at the same time and

thus give them the same visual presence on the property and similar architectural significance to the house.

Regardless of other design and regulatory issues, adding a roof to a deck structure would convert it to a porch structure / design, thus eliminating the concern about a deck in the front yard. However, there are District specific requirements for front porches regarding size, design, and architectural elements.

As to size, the District regulations require that front porches be “compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.” Of the 14 contributing structures on the block face, all five two-story houses have full width front porches. Of the nine one-story houses, four have full width front porches and five do not. Total there are nine full width front porches and five non-full width front porches. As such, the Staff finds that a full width front porch is compatible with what predominates on the block face and is internally consistent with the cottage form of the structure.

The proposed design include eave trim, column, and brick foundation that “matches” the existing / original front porch. While the Staff appreciates that approach as potentially being the most visually consistent, this design approach could make the two portions of the front porch appear as if they were built at the same time and thus give them the same visual presence on the property and similar architectural significance to the house. While the lack of a railing on the front porch extension / addition new portion could be a differentiating factor, it also could read as a missing element vs. a conscious design decision given that the column and foundation would be “matching”. Other differentiating factors could be included in the design.

The Staff would recommend that the front porch addition have column(s) that are similar to, but differentiated from, the columns on the original front porch and a header similar to, but differentiated from, the original front porch roof and header.

Staff Recommendation: Based upon the following:

- (a) Except as noted above, the proposed design meets all of the District regulations, per Section 16-20L.005 and Section 16-20L.006.

Staff recommends approval of the application for Type III Certificate of Appropriateness (CA3-14218) for an addition at **1066 Colquitt Avenue**, with the following conditions:

1. The front porch extension / addition shall have column(s) that are similar to, but differentiated from, the columns on the original front porch and a header similar to, but differentiated from, the original front porch roof and header, per Section 16-20L.006(1)(i) and (j); and
2. The Staff shall review, and if appropriate approve, the final elevations, plans, and documentation.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 13, 2014

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-14-220) for a special exception to allow a wall in the front yard, and to allow a fence/wall higher than 4' in the front yard at **69 Randolph Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Patrick Hand
28 3rd Avenue

Facts: This existing building is considered non-contributing.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
- a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - v. Variances, special exceptions and administrative appeals.
8. Variances, special exceptions and administrative appeals.
- a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).
 - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.

9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.
10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Special Exception Request

Wall

In looking at survey pictures, the existing property currently has a wood picket fence in the front yard. The Applicant is proposing to install a wall and fence combination that will be 4'8" at its tallest point. The wall itself will be 1' in height. Per regulations, walls are not allowed in the front yard. According to the Applicant, the wall is needed to prevent theft of the fence. Staff recommends the Applicant provide documentation there is a problem with fence theft in the subarea. The Applicant indicates the wall is needed for a future project. As the project is not currently proposed, Staff cannot support a special exception for that reason. Given the information we have at this time, Staff cannot support a special exception to allow a wall where otherwise prohibited.

Fence

Per regulations, the maximum height for fences in the front yard is 4'. Staff finds the proposed fence is 4'8" across the front of the property and 5'8" on the side portion of the property that is located in the front yard. According to the Applicant, a taller fence is needed as a security measure against vehicular traffic and potential threat of intrusion. Staff recommends the Applicant provide documentation there are security issues from vehicular traffic and intruders. Based on the information we have at this time, Staff cannot support the special exception for a taller fence.

Staff Recommendations: Based upon the following:

- a) The Applicant has not proven a hardship regarding the wall; and
- b) The Applicant has not proven a hardship regarding the fence.

Staff recommends deferral of an Application for a Type III Certificates of Appropriateness (CA3-14-220) for a special exception to allow a wall in the front yard, and to allow a fence/wall higher than 4' in the front yard at **69 Randolph Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, to allow the Applicant time to address the following concerns:

1. The Applicant shall provide documentation there is a problem with fence theft in the subarea, per Section 16-20C.004(8)(a);
2. The Applicant shall provide documentation there are security issues from vehicular traffic and intruders, per Section 16-20C.004(8)(a); and
3. Appropriate copies of updated information shall be submitted no later than eight days before the deferred meeting.



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MAYOR

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55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 13, 2014

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-14-221) for a special exception to allow a fence at the front of the property, to allow an accessory structure between the building and the street, and to allow a deck on the front façade of the structure at **420 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline.

Applicant: Juan Martinez
2112 Hosea Williams Drive

Facts: This existing building was built in 1912 and is considered contributing.

The Applicant submitted a Type II Staff Review application (CA2S-14-211) for proposed alterations to the building and site. While a special exception is required for some of the proposed alterations, the review of the design of the proposed alterations will be covered by the Staff Review and are not in the purview of the Commission.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color,

texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
- a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - v. Variances, special exceptions and administrative appeals.
8. Variances, special exceptions and administrative appeals.
- a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to

grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).

- b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
- 9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.
- 10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Sec. 16-20C.008. Design Standards.

- 1. The following Design Standards provisions shall apply to Subareas 1 through 4.
 - a. Building Compatibility.
 - i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variance Requests

Deck

In looking at the plans, there appears to be a deck that faces Jackson Place and therefore requires a variance. The Applicant has indicated this area is not a deck, however there is no written explanation regarding this area. Staff recommends the Applicant provide documentation the rear seating area that faces Jackson Street is not a deck. Staff recommends the deck portion of the variance is eliminated.

Accessory Structures

There is an area at the corner of the property on Jackson Street that is indicated as a band/stage area. As this area is between the street and the building, a variance is required. According to the Applicant, this area is not properly labeled and will actually be a raised earthen area and not a band/stage area. As this is not actually a structure, Staff has no further comments regarding the raised earthen area.

The Applicant is proposing to place a dumpster at the corner of the property on Jackson Place. As the dumpster is located between the building and the street, a variance is required. As this is a double frontage lot, Staff acknowledges that appropriately placing the dumpster on the lot would likely require a variance. While Staff is generally supportive of the variance, Staff finds that having the dumpster right at the street is not appropriate. Staff finds the dumpster could be appropriately so that it is not right on the street. Staff recommends the dumpster be located farther away from Jackson Place.

Fence/Wall

In looking at pictures submitted by the Applicant, the existing property has a chain link fence. The Applicant is proposing to remove the existing chain link fence and install a 6' wall on both Edgewood Avenue and Jackson Place. As the regulations do not allow fences or walls in front yards or where visible from the public view, a special exception is required.

According to the Applicant, a privacy fence is needed on the Edgewood Avenue elevation due to the 6' drop from the sidewalk. The change in the topography can be clearly seen from the pictures submitted. Staff agrees that a fence is needed at this location for safety reasons. Staff would note that a privacy fence is actually a wall and not generally allowed in front yards. While Staff is supportive of a fence on the Edgewood elevation, Staff finds that a wall is not appropriate. Staff recommends a fence is installed on the Edgewood Avenue location.

The Applicant is proposing to install a privacy fence at the Jackson Place elevation. It is not clear why the Jackson Place elevation requires a fence. The safety issue on Edgewood does not exist on Jackson Place. Staff does not find that privacy is an issue as this is a business and a public place. The issue of security is not clear. While Staff could support a special exception due to reasons of security, more documentation is needed to show that security is an issue at this property. Staff recommends the Applicant provide documentation that a fence is needed at the Jackson Place elevation for security reasons.

Staff Recommendations: Based upon the following:

- a) One of the accessory structure variances is not required;
- b) The Applicant has proven a hardship regarding the dumpster; and
- c) The Applicant has proven a hardship regarding the fence.

Staff recommends approval of an Application for a Type III Certificates of Appropriateness (CA3-14-221) for a special exception to allow a fence at the front of the property, to allow an accessory structure between the building and the street, and to allow a deck on the front façade of the structure at **420 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline, with the following conditions:

1. The Applicant shall provide documentation the rear seating area that faces Jackson Street is not a deck, per Section 16-20C.004(8)(a);
2. The deck portion of the variance shall be eliminated, per Section 16-20C.004(8)(a);
3. The dumpster shall be located farther away from Jackson Place, per Section 16-20C.004(8)(a);
4. A fence shall installed on the Edgewood Avenue elevation, per Section 16-20C.004(8)(a);
5. The Applicant shall provide documentation that a fence is needed at the Jackson Place elevation for security reasons, per Section 16-20C.004(8)(a); and
6. Staff shall review and if appropriate, approve the final plans and documentation.



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
August 13, 2014

Agenda Item: Application for a Review and Comment (RC-14-226) on the installation of public art at **Freedom Park (Moreland Ave. & North Ave.)**.

Applicant: Eddie Granderson – Mayor’s Office of Cultural Affairs
223 Peachtree St.

Facts: The sculpture proposed for acceptance into the City’s permanent art collection and permanent installation in Freedom Park is called “One Woman Rising” by Phil Proctor. The sculpture is constructed of a steel frame covered by a polyurethane-coated wire mesh and is 8 ft. tall and 6 ft. wide. It is mounted in a concrete base that will be covered by mulch. The art was temporarily installed in Freedom Park near Moreland Avenue from February, 2013 to September, 2013 and then temporarily moved to the Beltline Eastside Trail near Monroe Drive and 10th Street for the “Art on the Beltline” exhibition.

The sculpture is proposed to be permanently installed in Freedom Park just west of Euclid Avenue and south of North Avenue near one of the paved paths in the park.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (3) The commission shall review all works of art for which the city has contracted, or proposed to contract, or which are to be placed on the property of the city, or which are to become the property of the city by purchase or gift.*
- (4) The commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation or significant change, alteration or addition to any existing park.*
- (5) The commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, highways, gates, fences, railings, lamp standards, and other structure or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.*

Generally speaking, the Staff supports the permanent acquisition and installation of the sculpture. It appears to be well built, thoughtful in design, and ascetically pleasing. The Staff would also note that the Office of Cultural Affairs’ recommendation to acquire the sculpture is conditioned

on reaching a maintenance agreement with the donor organization. However, the Staff does have some comments and questions about the details thereof.

First, the Staff would recommend that some type of plaque or small panel be installed near the sculpture identifying the sculpture (name, artist, date of creation, date of installation, etc.), including a statement from their artist, and a brief description of the City's role and relationship to the sculpture (when acquired, description of the City's public art collection, etc.). One of the potential sites could be along the path when looking at the front of the sculpture.

Second, the Staff would recommend that either the mulch covering the concrete footer / base be contained by a small curb / edging or a simple, decorative above-ground base be used. The Staff is concerned that the mulch / grass will become difficult to maintain / mow with loose mulch.

Third, the Staff would recommend that the orientation of the sculpture be engaging and dramatic to path users approaching in both directions. For example, the sculpture could be oriented so that path users approach the sculpture from behind and its front is revealed only after getting to the apex of the curved path. Further, the Staff finds that using the highest point in this area for the location would increase its visibility and sense of destination.

Staff Recommendation: The Commission shall confirm delivery of its comments at the meeting on an application for a Review and Comment (RC-14-226) on the installation of public art at **Freedom Park (Moreland Ave. & North Ave.)**.



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404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

July 23, 2014

Updated

August 27, 2014

(updated information in arial black)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-14-198) for a variance to reduce both side yard setbacks from 7' (required) to 3' (proposed) and (CA3-14-197) for a new single family house at **91 Hogue Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Malgorzata Sobis
1419 Orange Blossom Terrace

Facts: This is currently a vacant lot.

At the July 23rd meeting, this application was deferred to allow the Applicant time to address the concerns of Staff and the Commission.

At the August 13th meeting, this application was deferred due to a lack of quorum. The Applicant submitted updated plans on August 19th.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

- e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
- a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - v. Variances, special exceptions and administrative appeals.
8. Variances, special exceptions and administrative appeals.

- a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).
- b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.
10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Sec. 16-20C.005. Permitted Principal Uses and Structures.

1. Permitted Principal Uses and Structures: The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:
 - a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be permitted only as listed within each Subarea within said table of uses and only in the manner so listed.
 - b. Permitted principal uses. A building or premises shall be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
RESIDENTIAL and DWELLING USES				
Single-family dwellings	P	P	P	P

2. The following additional Permitted Principal Use and Structures provisions shall apply to Subareas 1 and 2.
 - a. Previously-existing uses. Prohibited uses shall be permissible when granted a Certificate of Appropriateness by the Commission upon its finding that such use can be shown by archived evidence or sworn affidavit(s) to either previously or currently exist on the proposed site and that such use will be of an intensity and type that is no greater than that which previously or currently existed and otherwise meets the District regulations.
 - e. Active uses. Ground floor, sidewalk-level uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets. Active uses, where provided, shall be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses shall not be considered as active uses:
 - i. Drive-in and drive-through facilities.
 - ii. Parking and driveways.
 - iii. Accessory non-residential storage areas.

Sec. 16-20C.006. Lot Controls and Building Heights.

1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
 - a. Lot controls.
 - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
 - b. Building heights.
 - i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction shall be 32 feet.
 - ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction shall be 32 feet.

- iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.

Sec. 16-20C.007. Sidewalks, Yards and Open Space.

1. The following Sidewalks, Yards and Open Spaces provisions shall apply to Subareas 1 through 4.

a. Sidewalks.

- i. Public sidewalks shall be located along all public streets and shall consist of two (2) zones: an amenity zone and a walk zone.
 - ii. The amenity zone shall be located immediately adjacent to the curb with a consistent cross-slope not to exceed two (2) percent. Width shall be measured from back (building side) of curb to the walk zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
 - iii. The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape, with a consistent cross-slope not exceeding two (2) percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight (8) feet.
 - iv. New sidewalks and their corresponding zones shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new amenity zone shall be a minimum of two (2) feet wide and the new walk zone shall be a minimum of five (5) feet wide.
 - v. Street trees shall be planted a maximum of 30 feet on-center within the amenity zone and shall be spaced equal distance between street lights.
 - vi. Any existing decorative hardscape treatment of sidewalks, including amenity zone or walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape and color.
 - vii. Decorative pedestrian lights, where installed, shall be placed a maximum of 60 feet on center and spaced equidistant between required trees. Where installed, said lights shall be located within the amenity zone. Said lights shall be as approved by the Director. New developments shall match the light and tree spacing on blocks where existing Atlanta Type lights are installed.
 - viii. Changes or additions of planters, trash containers, street lighting, and similar elements, shall require a Certificate of Appropriateness by the Commission.
 - ix. Upon redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
- b. Yards. Notwithstanding the setback requirements of these Subareas, previously existing contributing structures may be reconstructed to their original footprints and setbacks upon a submittal of finding that such structural dimensions have been shown by archived evidence or sworn affidavit(s) to have previously existed on the proposed site, and as subsequently approved by the Commission.
- c. Required Open Space.
- i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.

2. The following additional Yards provisions shall apply to Subareas 1 and 2.

b. Subarea 2.

- i. Except as provided below, all front, side and rear yard setbacks shall be established through utilization of the compatibility rule. All new construction shall maintain a minimum of 10 feet for rear yard setbacks where the compatibility rule would permit a smaller rear yard setback, except as otherwise provided for accessory structures.
- ii. Within the portion of Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the following development controls shall apply:
 - (1) Side yard: Three (3) feet.
 - (2) Front yard: Seven (7) feet.
 - (3) Rear yard: 25 feet.
- iii. Within the portion of Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the following development controls shall apply:
 - (1) Side yard: Three (3) feet.
 - (2) Front yard: 12 feet.
 - (3) Rear yard: Six (6) feet.

Sec. 16-20C.008. Design Standards.

1. The following Design Standards provisions shall apply to Subareas 1 through 4.
 - a. Building Compatibility.
 - i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
 - iii. Fiberglass roofs shall be prohibited.
 - b. Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration:
 - (1) The style and material of the individual window or door.
 - (2) The size and shape of individual window and door openings.
 - (3) The overall pattern of fenestration as it relates to the building façade.
 - (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
 - iii. Except as otherwise provided in 16-20C.008(2), if muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - c. Landscaping.
 - i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.
 - ii. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., shall apply to this district.
 - d. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features for All Non-Residential Uses.
 - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
 - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.
 - v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
2. The following Design Standards provisions shall apply to Subareas 1 through 2.
 - a. Windows and Doors.
 - i. Simulated divided light windows or plain sash windows shall be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung.
 - iii. Front doors facing and parallel to the street shall be provided.
 - iv. Front doors shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 - b. Front Yard Porches.
 - i. Front yard porches shall be provided.
 - ii. Front yard porches shall contain balustrades, columns, floor dimensions, height, roof pitch and overhangs as regulated by the compatibility rule.
 - iii. Decorative metal, resin, fiberglass and plastic columns are prohibited.
 - iv. Front yard porches are permitted to be enclosed with recessed screen wire when the primary characteristics of the porch are maintained.
 - v. Front yard porch steps shall be wood, brick or concrete. Metal steps are prohibited.
 - vi. A paved walkway from the front yard porch to the adjacent public sidewalk shall be required.
 - c. Siding and Foundations.
 - ii. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four (4) inch reveal and no more than a six (6) inch reveal.

- iii. Foundations shall be permitted to utilize brick, stone, smooth stucco, and smooth finish concrete as foundation-facing materials.
- iv. When provided, chimneys shall be faced in brick and shall originate at grade.

Sec. 16-20C.009. Off-Street Parking, Parking Structures, Driveways, Driveways and Curb Cuts.

1. The following Off-Street Parking regulations shall apply to Subareas 1 through 4.

- a. **Parking Requirements.** Off-street parking and bicycle parking requirements shall be as specified in the Martin Luther King, Jr. Landmark District Parking Table and subject to the following:

TABLE 2: MARTIN LUTHER KING JR. LANDMARK DISTRICT PARKING TABLE	MINIMUM PARKING: BICYCLES	MINIMUM PARKING: AUTOMOBILES	MAXIMUM PARKING: BICYCLES	MAXIMUM PARKING: AUTOMOBILES
Single-family dwellings, Two-family dwellings	None	None	None	2 spaces for every 1 residential unit

- i. Bicycle parking spaces shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Office of Planning as applicable.
- ii. Bicycle parking shall be located a maximum horizontal distance of 100 feet from a building entrance.

b. Surface Parking.

- i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.

3. The following regulations shall apply to driveways and curb cuts within the district.

- a. Use of shared driveways and/or alleys is permitted. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
- b. Circular drives and drop-off lanes shall not be located between any principal building and any public street. The Commission shall additionally have the authority to vary Section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
- c. Curb cuts and driveways are not permitted on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.
- d. One curb cut is permitted for each development. Developments with more than one (1) public street frontage or more than 300 feet of public street frontage may have two (2) curb cuts.
- e. Curb cuts shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
- f. Sidewalk paving materials shall be continued across intervening driveways for all Non-Residential and Multi-family uses.

Per Section 16-26.003:

- (1) **Findings Required:** Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variance Request

The Applicant is requesting a variance to reduce the side yard setbacks from 7' (required) to 3' (proposed). Staff would note the width of the lots on the block range from 22.7' to 70'. The lot in question is one of the smallest lots on the block. A lot of this size would usually have a Shotgun house. In looking at architectural resources, the average Shotgun house has a width of 12'. Staff finds the Applicant would require a variance from 7' (required) to 6.5' (proposed) to build the average width Shotgun house. While it is clear that a variance is needed to accommodate a house on this lot, it is not

clear that a reduction to 3' on each side is needed. Staff recommends the Applicant provide additional documentation to support a reduction to 3' on each side or the Applicant shall provide documentation that the average Shotgun house in the district has a width that is larger than 12'.

The Applicant provided documentation regarding the widths of the contributing houses on the block face. Staff would note that the Applicant sites the houses at 65 and 66 Hogue as points of comparison for the proposed width. 65 Hogue is a non-contributing houses and 66 Hogue is across the street, therefore neither of these houses can be used as a point of comparison. In looking at the contributing houses on the block face, the width of the contributing houses range from 23' to 41'. Staff would note the adjacent lot at 87 Hogue also has a 25' frontage and the existing historic house has a width of 23'. Staff finds that requiring the Applicant to construct a house with a width that is significantly smaller than the smallest width house is a hardship. Further, Staff finds that allowing a house that has a smaller width than the smallest width house on the block face will not create a detriment to the public good. Based on the information we have at this time, Staff does not have a concern with the proposed variance.

Site

The interior lots fronts 25' on Hogue Street and has a depth of 140'. Per regulations, the front yard setback is based on the compatibility rule. The Applicant did not provide any information regarding the front yard setbacks of the contributing buildings on the block face. Staff recommends the Applicant provide documentation the front yard setback requirement has been met. As indicated in the variance section, Staff has concerns regarding the proposed side yard setbacks. Per regulations, the rear yard setback shall be no less than 7'. Staff finds the rear yard setback requirement has been met.

As recommended by Staff, the Applicant submitted documentation regarding the front yard setbacks of the contributing houses on the block face. According to the Applicant, the front yard setbacks range from 4.8' to 15.7'. The revised plan submitted is not properly scaled and the front yard setback is not indicated. At this time Staff cannot determine whether the proposed front yard setback meets the requirements. Staff recommends the front yard setback range between 4.8' and 15.7' in order to meet the setback requirements. As noted above, Staff has no concerns regarding the side yard setback variance request. As such, Staff has no concerns regarding the proposed side yard setbacks.

The Applicant submitted a full sized site plan, however there is no actual scale on the plans. Staff finds the site plan is close to a 20 scale. Staff finds it likely the scale was slightly changed during the copy process. While the front yard setback likely meets the requirements, Staff retains its recommendation regarding the front yard setback.

Per regulations, the maximum lot coverage allowed is based on the compatibility rule. The plans indicate the maximum lot coverage allowed is 1750 sq. ft. It is not clear where the maximum lot coverage submitted was calculated. Staff recommends the Applicant provide documentation the proposed lot coverage meets the requirements.

According to the Applicant, the lot coverage on the block face ranges from 19% to 47%. Staff has concerns regarding the accuracy of these calculations because the Applicant indicates that only the footprints of the houses were used to determine the lot coverage calculations. Staff would note that lot coverage includes more than the footprint of the houses. As such, Staff finds the Applicant has not submitted accurate documentation. Staff retains its recommendation regarding the lot coverage.

As previously mentioned, Staff had a concern regarding how the lot coverage was measured. In the updated information there is no explanation regarding how the lot coverage calculations were determined. As such, Staff retains its recommendation regarding the lot coverage.

As required by the regulations, a walkway from the front entryway to the sidewalk is indicated. It is possible the existing sidewalk may be damaged during construction. If the sidewalk is damaged or destroyed during construction, Staff recommends the sidewalk be repaired or replaced as required by the regulations. It is possible the existing brick retaining wall may be damaged during construction. If the existing retaining wall is damaged during construction, Staff recommends the existing retaining wall be repaired or replaced in-kind. There are existing site stairs indicated in the survey picture. There is no indication of the existing stairs on the site plans. Staff recommends the Applicant clarify the proposal for the existing site stairs at the front of the property.

As recommended by Staff, the revised site plans indicates the retention of the existing stairs and masonry wall. While there are notes in the narrative regarding the in-kind replacement of the retaining wall if it is damaged, the notes are not on the plans. There are no notes on the site plan regarding the sidewalk. Staff retains its recommendations regarding the in-kind replacement of the retaining wall and the repair or replacement of the existing sidewalk.

As recommended by Staff, the updated site plan has notes regarding the in-kind replacement of the retaining wall and the repair or replacement of the sidewalk.

There are requirements for the location and screening of mechanical equipment. There is no indication of any mechanical equipment on the site plan. Staff recommends that all mechanical equipment is indicated on the site plan and appropriately located and screened as required by the regulations.

As recommended by Staff, the plans indicate proposed mechanical equipment. Staff finds the mechanical equipment is appropriately located.

Massing and Building Height

The proposed two-story house is defined by a 6 in 12 hipped roof and a two-story full width porch. Staff finds the overall height and massing appear to be similar to the other two story contributing building on the block face. Per regulations, the height is based on the compatibility rule. The Applicant has not provided the heights of the contributing houses on the block face. As such, Staff cannot determine whether the height of the proposed house meets the requirements. Staff recommends the Applicant provide documentation the proposed house meets the height requirement.

As recommended by Staff the Applicant provided documentation regarding the heights of the contributing houses on the block face. The heights of the houses range from 22' to 32'. The proposed house height is 27' and therefore meets the requirements.

Overall Design

Staff finds the proposed house is similar to the two-story house at 75 Hogue. As there is only one contributing two-story house on the block face, Staff finds the proposed house should be substantially compatible with the existing house. Per regulations the general façade arrangement, proportion, roof pitch, roof form and material are all based on the compatibility rule. The Applicant provided pictures of houses on Hogue, Howell and Auburn. Staff would note that the houses on Howell and Auburn cannot be used as a point of comparison. Staff would further note that only contributing houses on the

block face can be used as a point of comparison. In looking at the contributing houses on the block face, Staff finds the general façade arrangement, proportion and roof form meet the requirements. Staff recommends the Applicant provide documentation the roof pitch meets the requirements.

As recommended by Staff, the Applicant provided documentation regarding the roof pitches on the block face. The majority of the roof pitches on the block face are either 8 in 12 or 10 in 12. The proposed roof pitch is 4 in 12 and therefore does not meet the requirement. Staff recommends the proposed roof pitch is 8 in 12 or 10 in 12 to meet the requirements.

As recommended by Staff, the roof pitch is indicated as 8 in 12.

Per regulations, the compatibility rule applies to the fenestration pattern. In comparing the proposed fenestration to the survey pictures, Staff finds the overall fenestration pattern is not consistent or compatible with the contributing houses on the block face. Specifically, the triple windows and doors on the front and rear façade should be eliminated. Window units should have no more than two windows. The smaller windows should be double hung and more vertical in proportion. In looking at the actual design of the windows, most of the historic windows on the block face are 1 over 1, 4 over 1 and 2 over 2. Staff finds the proposed 9 over 1 windows are not typical of the historic houses on the block face. In the narrative, the lite divisions are indicated as being interior. Interior lite divisions are not allowed. Staff recommends the fenestration design, organization and pattern is redesigned to be consistent and compatible with the fenestration of the historic houses on the block face. Staff recommends all windows are simulated divided lite with lite divisions that are permanently affixed to the exterior glass. Staff recommends the front dormer is either eliminated or lowered as to not engage the ridgeline.

In revised elevations, the windows are now indicated as 1 over 1. Staff finds the design of the windows is appropriate. Staff retains its recommendations regarding the smaller windows. The smaller windows should be double hung and more vertical in proportion. The trim details are not indicated. Staff recommends the window trim be consistent with the trim on the historic windows on the block face. Staff has concerns regarding the relationship between the columns and the fenestration. Any proposed windows or doors should be centered in between the columns. As the columns are not evenly spaced, the windows and doors are not centered. Staff recommends the porch columns are evenly spaced. Staff further recommends the fenestration be centered in between the columns. As recommended by Staff, the front dormer was eliminated from design.

Previously Staff recommended the smaller windows be double hung and more vertical in proportion. In updated plans, two of the smaller windows have been eliminated, creating a blank wall. Staff recommends the Applicant install additional windows on the left elevation that meet the requirements. Staff retains its recommendation regarding small windows.

As recommended by Staff, the front façade features fenestration that is centered in between the columns. The rear elevation has not been revised. Staff recommends the rear elevation is revised to have porch columns that are evenly spaced with windows that are centered in between the columns.

Previously Staff recommended the window trim be consistent with the trim on the historic windows on the block face. The elevations indicate the trim will be 1x

but there is no indication of the width. Staff finds historic trim is usually between 1x4, 1x5 or 1x6. Staff retains its recommendation regarding the trim.

In general, Staff finds the proposed porch and its elements are similar to the house at 75 Hogue. Staff has a concern regarding the depth of the porch as the elevations indicate a porch depth of 6', the floor plan indicates a porch depth of just over 7' and the site plan indicates a porch depth of 9'. Staff recommends the Applicant clarify the depth of the porch. Staff recommends the site plan, elevations and floor plans are internally consistent. Per regulations, the porch columns, floor dimensions, balustrades, height, roof pitch and overhangs are regulated by the compatibility rule. While the general design of the porch is appropriate, the porch column dimension, the floor dimension, height, roof pitch, balustrade details are not clear. Staff recommends the Applicant provide documentation the porch floor dimension, porch column dimension, height, roof pitch, balustrade details meet the requirements.

The Applicant did not provide compatibility rule information for the porch. Staff retains its previous recommendation.

In the updated information, the Applicant did not provide compatibility information for the porch. Staff retains its recommendation.

Materials

In general, Staff finds the elevations are not detailed in regards to size and material details. Staff recommends the elevations indicate all material and measurement details. In looking at both the elevations and the narrative, Staff finds the following material meet the requirements: wood windows, brick foundation, composite shingle roofing, wood trim and painted pressure treated wood for the porch railing. The material of the doors, stairs and columns are not indicated on the plans. The siding is indicated a cementitious siding on the elevations and the narrative indicates it will have a wood grain finish. Staff finds the siding material does not meet the requirements. Staff recommends the elevations indicate smooth cementitious siding with a 4" to 6" reveal.

As recommended by Staff, the revised elevations are more detailed regarding material details. The stair, door and railing material details are not on the plans. Staff recommends all material details are indicated on the plans. As recommended by Staff, the plans indicate smooth cementitious siding with a 6" reveal.

As previously indicated, the material details for the stair, door and railing material is not indicated. Staff retains its recommendation regarding the material and measurement details.

Staff Recommendations: Based upon the following:

- a) The Applicant has proven a hardship for the requested side yard setback reduction;

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA3-14-198) for a variance to reduce both side yard setbacks from 7' (required) to 3' (proposed) at 91 Hogue Street - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the substantial exceptions noted in the above analysis, per Section 16-20C.003, and .005;

Staff recommends approval of an application for a Type III Certificates of Appropriateness (CA3-14-197) for a new single family house at **91 Hogue Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:

1. The front yard setback shall range between 4.8' and 15.7', per Section 16-20C.007(2)(b);
2. The Applicant shall provide documentation the proposed lot coverage meets the requirements, per Section 16-20C.006(1)(a);
3. The rear façade columns shall be evenly spaced, per Section 16-20C.008(2)(b);
4. The Applicant shall install additional windows on the left elevation that meet the requirements, per Section 16-20C.008(1)(b)(i);
5. The window trim shall be consistent with the trim on the historic windows on the block face, per Section 16-20C.008(1)(b)(i);
6. Any smaller windows shall be double hung and more vertical in proportion, per Section 16-20C.008(1)(b)(i);
7. The rear façade fenestration shall be centered in between the columns, per Section 16-20C.008(1)(b)(i);
8. The Applicant shall provide documentation the porch floor dimension, porch column dimension, height, roof pitch, balustrade details meet the requirements, per Section 16-20C.008(2)(b);
9. The elevations shall indicate all material and measurement details; and
10. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

July 23, 2014

Updated

August 13, 2014

(updated information in arial black)

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-14-203) for alterations and site work at **335 Peters Street** - Property is zoned C-5-C/Castleberry Hill Landmark District (Subarea 1).

Applicant: Jamiel Hampton
517 Foundry Street

Facts: According to the Castleberry Hill inventory sheets, this two-story building was built in 1906 and is considered non-contributing.

In 2008 approved an Application for a Type II Certificate of Appropriateness (LD-08-077) to allow the replacement of windows.

At the July 23rd meeting, this application was deferred to allow the Applicant time to address the concerns of Staff and the Commission.

At the August 13th meeting, this application was deferred due to a lack of quorum. The Applicant submitted updated plans and information on August 18th.

Analysis: The following Atlanta Land Development code sections apply to this application:

Section 16-20N.005. Certificates of Appropriateness.

1. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
2. Type II certificates of appropriateness shall be required for: minor alterations to the façade of any principal structure, including but not limited to: exterior stairs, landings, railings, awnings, canopies, and front stoops; and the construction of fences, walls, retaining walls, accessory structures, and paving. If the proposed alteration meets the requirements of section 16-20N.006, 16-20N.007, and 16-20N.008, then the director of the commission shall issue the type II certificate of appropriateness within 14 days of application for such certificate. If the proposed alteration does not meet the requirements of section 16-20N.006, 16-20N.007, and 16-20N.008, the director of the commission shall deny the

application. Appeals from said decision of the director regarding the issuance and/or denial of type II certificates of appropriateness may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for type I certificates of appropriateness.

Section 16-20N.006. General Regulations.

The following general regulations shall apply to all properties located within the District.

1. In the District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20N do not specifically address the application or any portion of the application:

- (a) The historic character of a property shall be retained and preserved.
- (b) The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
- (c) Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historic development, such as adding conjectural features or elements from other historic properties.
- (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
- (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
- (f) Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
- (g) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- (h) Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- (i) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (k) Contemporary design for new construction and for additions to existing properties shall not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy section 16-20N.007 or section 16-20N.008, as applicable.
- (l) The height of a structure shall be measured on the façade facing the public street and measurement shall be taken from the highest point of such grade to the top of the parapet wall.

2. Compatibility rule.

(a) The intent of the regulations and guidelines is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, and general character of the block face, the entire block, a particular subarea or the district as a whole. To permit flexibility, some regulations are made subject to the compatibility rule, which states: "Where not quantifiable, the element in question (building proportion, roof form, fenestration, etc.) shall match that which predominates on the contributing buildings in the subarea. Where quantifiable, the element in question (i.e., distance of first floor above sidewalk grade), shall be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subarea."

(b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

7. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

9. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:

(a) The distance above the sidewalk grade of the first floor of the building shall be subject to the compatibility rule. This requirement shall only apply to the façade of the building determined by section 16-20N.006(1)(l).

(b) Setbacks.

i. The facades of principal buildings facing a public street shall not be setback from the property line.

ii. Facades of a principal building adjacent to a side property line shall not be setback from the side property line, except under the following circumstances:

a. Facades with windows shall meet section 704.8 of the 2000 International Building Code, and shall not exceed six (6) feet.

(c) All street-fronting sidewalk level development shall provide fenestration for a minimum of 60 percent of the length of the frontage, beginning at a point not more than three (3) feet above the public sidewalk, for a height no less than nine (9) feet above the sidewalk.

(d) Sidewalk level development without fenestration shall not exceed a maximum length of ten (10) feet of façade.

(e) Nothing may be erected, placed, planted, or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2 ½) feet and eight (8) feet above grade.

(f) Relationship of building to street.

- i. The first eight (8) feet of all building levels that have sidewalk level arterial street frontage shall have a commercial, office, or residential use and shall not be used for parking or storage.
- ii. The primary pedestrian entrance to all uses and business establishments with sidewalk level street frontage shall:
 - a. Be visible from the street.
 - b. Be directly accessible, visible, and adjacent to the sidewalk, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 - c. Face and be visible to an arterial street when located adjacent to such arterial streets.
- iii. A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, shall contrast with their background, and shall be a minimum of four inches in height with a minimum stroke of 0.5 inch.

(g) Façade Materials. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the façades of the principle structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not permitted on any facade. facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.

16. Additional notifications.

(b) Any time the provision 16-20.011(b) of this part is enforced in this district, the director of the commission shall notify the Castleberry Hill Neighborhood Association within ten days and a 30-day period for comment be allowed for the association.

(c) The director shall regularly send to the Castleberry Hill Neighborhood Association the agenda for each meeting of the commission in which there is any agenda item for property within the District.

Section 16-20N.007 - Specific Regulations for Historic Core, Subarea 1.

In the Castleberry Hill Historic Core, Subarea 1, the commission shall apply the standards referenced in section 16-20N.006(1) only if the standards set forth in section 16-20N.007 do not specifically address the application or any portion thereof:

Design standards and other criteria for construction of, additions to, or alterations of principal buildings:

(a) The compatibility rule shall apply to the general façade organization, proportion, scale, and roof form of the principal structure.

(c) All building elements shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:

(d) Fenestration.

i. The compatibility rule shall apply to the following aspects of fenestration:

- a. The style and material of the individual window or door.
- b. The size and shape of individual window and door openings.
- c. The overall pattern of fenestration as it relates to the building façade.
- d. The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.

ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.

Iii If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

iv. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.

Brick Repair and Painting

The Applicant is proposing to apply stucco to the west wall in order to repair and cover the brick. Staff finds that covering an existing brick façade is not a repair and covers historic materials. Staff cannot support the use of stucco to cover an existing brick wall. Staff recommends all existing brick walls are repaired and retained with no use of stucco to cover the existing brick.

As recommended by Staff, the Applicant has indicated that all existing brick walls will be repaired and retained without the use of stucco.

The Applicant is proposing to paint the lower level of the building. In 2008 a project for this building was reviewed. At that time, Staff noted the only painted portion of the building was the front façade of

the second floor. In looking at pictures submitted by the Applicant, it appears the front and side façade of the lower level has been painted in direct violation of the 2008 approval. Staff recommends the Applicant clarify when the first floor was painted. As it was not approved by the Commission, Staff recommends the paint on the lower level be removed.

Staff finds the Applicant has provided documentation the lower level of the building was painted before the district's designation. As such, Staff finds that all portions of the building that have already been painted can be painted again.

The Applicant is proposing to restore the parapet wall. It is not clear what will be involved in the restoration of the parapet. Staff recommends the Applicant provide details regarding the restoration of the parapet wall.

As recommended by Staff, the Applicant has provided details regarding the restoration of the existing parapet wall. The Applicant is proposing to tuck point, restore ceramic parapet wall caps and repair and secure metal trim. Staff has no concerns regarding the proposal.

Windows, Doors and Signage

The Applicant is proposing to replace all of the windows. The condition, design and materials of the existing windows are not clear. Staff recommends the Applicant provide pictures of all the existing windows and openings that are proposed for replacement or alteration. Without additional information regarding the windows, Staff cannot determine whether replacement is appropriate. Further, there is no detailed information regarding the new windows. Staff recommends the Applicant provide an elevation or cut sheet with detailed information regarding the proposed new windows.

As requested by Staff, the Applicant has provided additional pictures of the existing windows and window openings. The Applicant is proposing to replace the existing windows with vinyl. As the existing building is non-contributing, the design and materials of the proposed windows are based on the compatibility rule. The Applicant has provided pictures of several buildings in the district to demonstrate the fenestration pattern, however all of these buildings are non-contributing and therefore cannot be used as a point of comparison. Staff recommends the Applicant provide documentation that the proposed design and material of the proposed windows meet the requirements.

In general, Staff finds that original and historic windows in this district are not vinyl. While the Applicant submitted additional pictures of historic buildings, many of the existing windows are replacements and therefore cannot be used as a point of comparison. Staff recommends all new windows are metal or wood. In regards to the design of the window, the regulations require the design of new windows be consistent with the predominate design in the subarea. Staff recommends the Applicant provide documentation of the predominate design of the historic windows in the subarea.

The Applicant is proposing to install new windows in openings that are currently covered with brick. In looking at pictures of the existing covered openings, it appears the proposed windows will be smaller than the covered window openings. It also appears that the windows will be a single pane of glass that are not double hung or multi-paned. While Staff has no concerns regarding restoring the original openings, Staff finds the design and size of the windows should meet the fenestration

requirement. Staff recommends the design, material and size of the first floor windows on the right elevation, meet the fenestration requirements.

In looking at updated plans, Staff still has concerns regarding the size of the windows that are being placed in the currently closed openings on the first floor of the right elevation. The openings themselves are not accurately depicted in regards to location and size. Staff recommends the elevations accurately depict the location and size of the first floor openings on the right elevation. Staff further recommends the Applicant provide documentation that the design of the first floor windows on the right elevation meet the requirements.

The Applicant is proposing glass block for the front elevation window. When allowed by the compatibility rule, glass block is allowed as a transom or door surround, but not as a window. Staff recommends the first floor of the front façade have a window that meets the fenestration requirements.

In updated elevations, the first floor of the front façade still indicates a glass block window. As previously indicated, when the compatibility rule allows it, glass block is only allowed as a transom or door surround. Staff recommends the first floor of the front façade have fenestration that meets the requirements.

The Applicant is proposing to install two new doors on the rear of the property and repair the existing doors on the first floor corner. The details regarding the repairs and replacement are not clear. Staff recommends the Applicant provide detailed information regarding the proposed installation of the new rear doors and the repair of the first floor door.

Per Staff recommendation, the Applicant has clarified that the front door will have the glass replaced only. Staff has no concerns regarding the replacement of glass for the first floor door. The Applicant has provided details regarding the proposed rear doors. Staff has no concerns regarding the new rear doors.

The Applicant is proposing to remove two existing signs. Staff has no concerns regarding the removal of existing signage. The Applicant is proposing to retouch an existing wall sign that is painted on the building. Staff has no concerns regarding the retouching of the existing painted wall sign.

Rear Stairs

The Applicant is proposing to install stairs on the rear of the building. In looking at pictures submitted by the Applicant, there are no existing stairs. As there will be doors on the rear of the building, Staff finds that having rear stairs is appropriate and necessary. While Staff has no general concerns regarding the installation of the stairs and railing, the details of the proposal are not clear. Staff recommends the Applicant provide details regarding the design, dimensions and materials of the proposed stairs and railing. Staff further recommends the Applicant provide a site plan that indicates the location of the proposed stair and landing.

Per Staff recommendation, the Applicant has provided additional details regarding the stairs. The material of the stairs is not indicated and a site plan has not submitted. In general, Staff finds the elevations do not include all of the work and notes that are indicated in the narrative submitted by

the Applicant. As such, Staff recommends the elevations indicate details of all work proposed and all material details. Staff retains its recommendation regarding the site plans.

As recommended by Staff, the Applicant provided a properly scaled site plan. As recommended by Staff, the updated plans indicate the material details of the stairs. The stairs are indicated as wood and therefore do not meet the requirements. Staff recommends the proposed railing is indicated as metal and the landings are either metal or poured concrete. All proposed work is not indicated on the elevations, Staff retains its recommendation.

Roof, Gutter and Fence

The Applicant is proposing to repair the existing flat roof. Staff has no general concerns regarding the repair of the roof. Staff recommends the roof repairs are done with in-kind materials. The Applicant is proposing new gutters at the rear of the property. Staff has no concerns regarding the installation of gutters. The Applicant is proposing to repair an existing chain link fence. It is not clear whether the Applicant is proposing to make repair or actually replace the fence. Staff recommends the Applicant clarify what the repair of the fence will consist of.

As recommended by Staff, the Applicant has provided details regarding the repair of the fence. Staff has no concerns regarding the proposal.

Staff Recommendation: Based upon the following:

(a) The plans meet the regulations per Section 16-20N.006 and 16-20N.007; except as noted above;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-14-203) for alterations and site work at **335 Peters Street** - Property is zoned C-5-C/Castleberry Hill Landmark District (Subarea 1), with the following conditions:

1. The Applicant shall provide documentation that the proposed design, size and material of all new and replacement windows meet the fenestration requirements, per Section 16-20N.007(1)(d);
2. All new windows shall be metal or wood, per Section 16-20N.007(1)(d);
3. The Applicant shall provide documentation of the predominate design of the historic windows in the subarea, per Section 16-20N.007(1)(d);
4. The elevations shall accurately depict the location and size of the first floor openings on the right elevation, per Section 16-20N.007(1)(d);
5. The Applicant shall provide documentation that the design of the first floor windows on the right elevation meet the requirements, per Section 16-20N.007(1)(d);
6. The first floor of the front façade shall have fenestration that meets the requirements, per 16-20N.007(1)(d)(i) and (iv);
7. The elevations shall indicate all work proposed and all material details;
8. The proposed stair railing shall be metal and the proposed landings shall be metal or poured concrete, per Section 16-20N.006(10); and
9. Staff shall review and if appropriate, approve the final plans.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

August 27, 2014

Agenda Item: Review and Comment (RC-14-225) on a special exception application (V-14-147) at **689 Berne Street** - Property is zoned R-5/ Grant Park Historic District (Subarea 1).

Applicant: Barry Muldrey
689 Berne Street

Facts: According to the Grant Park Inventory sheet this multi-family dwelling built was built in 1943 is contributing.

Analysis: The following code sections apply to this application:
Per Section 6-4043 of the Atlanta City Code:

- (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

The Applicant is proposing alterations and a small addition on facades that do not face a public street. As such, the proposed alterations and additions are not within the purview of the Commission. The Applicant was approved for the proposed alterations and additions through a Type II Staff Review (CA2S-14-112). While the proposed alterations meet the Grant Park Historic District requirements, a special exception is required to allow the expansion of a non-conforming triplex. As Staff previously found the alterations and additions were appropriate, Staff has no concerns regarding the approval of a special exception to allow the expansion of an existing non-conforming triplex.

Staff recommends that a letter of support with the comments be sent to the Applicant and appropriate City agencies.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-031
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 27, 2014

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-14-228) for a new single family house at **797 Cherokee Avenue** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1).

Applicant: Gail Glozier
3763 Rogers Bridge Road, Duluth

Facts: In 2005, the property in question, along with the rest of the block fronting Cherokee Avenue between Grant Park Place and Augusta Avenue, was rezoned to the Planned Development – Mixed-use zoning classification (PD-MU), while retaining the Grant Park Historic District overlay (Z-05-128). This rezoning was site plan specific and included numerous conditions. In 2007, the conditions to the PD-MU rezoning were amended and reduced to 31 total conditions, with again retaining the previous site plan and Grant Park Historic District overlay (Z-07-119).

Overall, the PD-MU property consists of several components. At the northeast corner is a proposed mixed-use and townhouse site, fronting Cherokee Avenue and Grant Park Place are five (5) single-family house lots, and internal to the property are nine (9) townhouse lots. The property is served by a system of access roads, with a large green space between the two east-west rows of townhouses. At the southeast corner of the property is an existing, one-story duplex that has been retained as part of the redevelopment of the site. The site previously consisted of a non-contributing commercial building (the former Taco Mac), associated parking, and vacant land / former house lots.

Before the commission now is a single family house fronting Cherokee Avenue on the west elevation of the property. Of the 31 conditions included in the revised PD-MU rezoning, the Staff finds that 14 conditions either directly relate to the construction of a single family house or could affect the design of the house.

Given the organization and conditions of the PD-MU rezoning, the relationship between the PD-MU rezoning and the District overlay requirements is as follows: First, the site plan, setbacks, orientation, size, and arrangement of the property are fixed and as such are not subject to the District overlay regulations. Second, the PD-MU rezoning conditions expand the role of the existing District overlay regulations as they relate to architectural elements without generally adding more specifics or subject requirements. Thirdly, there are some topics that are in the District overlay regulations that are not covered by or dealt with in the PD-MU rezoning and as such remain as currently written in the District overlay.

Analysis: The following code sections apply to this application:

(Those District regulations that would otherwise apply, but are superseded by the PD-MU site plan or conditions have been removed from the listing of applicable District regulations set out below.)

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

(2) Certificates of Appropriateness.

(B) Type III Certificates of Appropriateness shall be required for:

1. All new principal structures;

Per Section 16-20K.007:

(1) *Development Controls.*

D. *Off-street parking and driveway requirements:*

1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.

(2) *Architectural Standards.*

(A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth.
4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two entrance step risers each of which shall be no less than six inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in

height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.

- b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
- a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standards, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

(E) *Site development, sidewalks and curbs:*

- 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
- 2. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
- 3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
- 4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.
- 5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.
- 6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.
- 7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

The PD-MU rezoning and conditions make the District overlay requirements, which normally only apply to the front façade of the house, apply to any façade that faces interior alleys, the primary access, the secondary access and the green space within the development. As such, Staff finds the front and rear elevations are within the purview of the Commission.

General Development Controls, Setbacks, and Parking

The lot in question fronts 45' on Cherokee Avenue and has a depth of 79.82' on its longest side. The lot frontage, depth, and shape match the PD-MU site plan. The PD-MU rezoning does not include any floor area ratio or lot coverage limitations.

Per the PD-MU site plan and conditions, the front yard setback shall be at least 10', the side yard setbacks shall be at least 4' and the rear yard setback can be 0'. Staff finds all of the setback requirements have been met.

The PD-MU rezoning and conditions require two (2) parking spaces for each single family house, either in attached or detached garages. The proposed house includes an attached garage with two parking spaces. Staff finds the parking requirement has been met. Staff would note that the PD-MU rezoning allows for a two car garage with doors that face the street. Staff would further note that the proposed garage has a 0' setback as

allowed by the regulations, therefore the underlying zoning requirement regarding parking in the half depth front yard does not apply.

Site Plan Features

Per district regulations, a walkway from the front entryway to the sidewalk is required. In looking at the site plan, a combination stair that leads to the sidewalk is provided. It is not clear whether there is a landing between the porch stairs and the concrete stairs that lead to the sidewalk. Staff recommends the Applicant clarify how the porch stairs will connect to the concrete stairs.

Condition #26 of Z-07-119 states: "Sidewalks shall be included throughout the interior of the development and along the entire frontage of the property. Existing sidewalks must be preserved to the extent possible." The site plan indicates a 4' sidewalk at the rear of the property. Staff finds the new sidewalk requirement has been met. Staff recommends the material details of the sidewalk are indicated on the site plan. In looking at the proposed site plan, there are no notes regarding the existing sidewalk along Cherokee Avenue. Staff recommends the site plan include notes regarding the retention and repair or replacement in-kind of the existing sidewalk along Cherokee Avenue.

No replacement trees are shown on the site plan. Staff recommends the site plan reflect the proper tree replacement as outlined in the conditions of the PD-MU rezoning.

Massing, Style, Building Height, and Roof Plan

The proposed two story house is defined by a hipped roof, a full width wraparound porch. Staff finds the proposed house is similar to an American Foursquare. Staff finds the overall design and massing is similar to other historic houses in the district.

Per the PD-MU rezoning and conditions, and District overlay regulations, the maximum height allowed is 35'. The proposed height is about 35' to the roof peak and therefore meets the maximum height requirement. The house is elevated above grade at least two entrance steps, which meets the District regulations.

Windows and Doors

A single front door is parallel and facing the street frontage as required.

The Grant Park regulations allow the proposed fenestration to be either consistent with other contributing houses in the District or meet the fenestration percentage requirement (15%-40%). The Staff would consider this requirement to be further refined by Conditions #9 and #10 of the PD-MU rezoning require that the house "be designed to be consistent with the historic architectural style of the Grant Park neighborhood and to comply with Grant Park's historic zoning regulations".

Staff finds the proposed simulated divided lite windows are appropriate in regards to design, location and number of windows. The material details are not indicated on the plans. Staff recommends the material details of the windows are indicated on the plans.

Porches

The full width wraparound porch has a depth that ranges from 6' to 7'. As the District regulations requires that front porches have a depth of no less than 7', Staff recommends the porch be no less than 7'. Notwithstanding the concern regarding the depth of the porch, Staff finds the overall architectural details are appropriate.

Building Materials

The following building materials are indicated on the plans: 6' smooth cementitious siding, brick foundation, wood columns, wood hand rails, brick piers. Staff has no concerns regarding the building materials indicated on the plans. Staff finds that not all of the building materials are indicated on the plans. Staff recommends all building materials are indicated on the plans.

Staff Recommendation: Based upon the following:

- 1) The plans meet the regulations with the exception of the comments noted above;

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-14-228) for a new single family house at **797 Cherokee Avenue** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall clarify how the porch stairs will connect to the concrete stairs;
2. The material details of the sidewalk shall be indicated on the site plan, per PD-MU rezoning condition# 26;
3. The site plan shall include notes regarding the retention and repair or replacement in-kind of the existing sidewalk along Cherokee Avenue, per PD-MU rezoning condition# 26;
4. The site plan shall reflect the proper tree replacement, per PD-MU rezoning condition #30;
5. The porch shall be no less than 7', per Section 16-20K.007(2)(B)(3);
6. The plans shall indicate all material details; and
7. Staff shall review and if appropriate, approve the final plans.



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
August 27, 2014

Agenda Item: Review and comment (RC-14-229) on ordinance U-14-017 for the Transfer of Development Rights from the 979 Crescent Avenue (**Margaret Mitchell House LBS**) and **90 Peachtree Place / 990 Peachtree Street (Commercial Row HBS)** to **169-195 Eleventh Street and 180 Tenth Street** – Sending properties are zoned SPI-16 – Midtown Commercial District (Subarea 1) / Landmark Building or Site and SPI-16 – Midtown Commercial District (Subarea 1) / Historic Building or Site.

At the Request of: Atlanta History Center, Inc.
130 West Paces Ferry Road

Facts: The Margaret Mitchell House was rezoned as a Landmark Building or Site (LBS) by the City of Atlanta in October, 1989. Commercial Row was rezoned as a Historic Building or Site (HBS) by the City of Atlanta in June, 2008. As is the case with all other LBS and HBS rezonings, the underlying zoning remained with the property, including all of the associated development rights. Several years ago, the underlying Special Public Interest (SPI) zoning classification was substantially revised to implement the “Blueprint Midtown” planning process.

The LBS zoning category includes one property which includes the original, historic apartment building known as the Margaret Mitchell House. The HBS zoning category includes two properties that comprise Commercial Row.

In 2013, a Transfer of Development Rights (TDR) was completed for 979 Crescent Avenue (Margaret Mitchell House LBS). This TDR did not transfer all of the development rights from 979 Crescent Avenue and did not involve 90 Peachtree Place or 990 Peachtree Street at all.

According to the special use permit filing, the proposed TDR would transfer 107,800 sq. ft. of residential development rights to the 11th Street properties and 61,300 sq. ft. of residential development rights to 180 10th Street.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (e) Powers and Duties: The commission is the city agency responsible for developing and administering the city's historic preservation and urban design activities and shall have the following powers and duties:*
 - (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.*

The TDR will not result in any physical alteration to either the designated buildings. It will, however, decrease the development pressure on the sites by removing potential development rights beyond those already “used” by the existing buildings. The Staff would add that another benefit of the TDR to the “sending sites” (i.e. the Margaret Mitchell House and Commercial Row) is that development rights that would otherwise likely go unused (given the criteria regarding incompatible additions and alterations to a LBS or HBS property) will be transferred to another property thus likely generating additional income for the owner of the development rights and thus likely the sending site as well. Both of these results would indirectly help retain the designated property and thus reinforce the historic and cultural values that it represents to the City.

The Staff does not find any concerns about the proposed transfer.

Staff Recommendation: Staff recommends that a letter of support with the Staff's and the Commission's comments be sent to the Office of Planning and other concerned parties.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 27, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-14-230) for alterations at **1505 Fairview Rd.** - Property is zoned Druid Hills Landmark District.

Applicant: Karen Soorikian
219 Fairfield Road, Decatur

Facts: According to the architectural survey in 2002, this dwelling built in 1918 and is contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code:

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark buildings and sites:

(b) To change the exterior appearance of any structure within any Landmark District;

Per Section 16-20B.003 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater.. Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

(5) *Minimum architectural controls:* Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation

REHABILITATION IS DEFINED AS the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Sec. 16-20B.005. Fairview Road regulations.

The following regulations shall apply to any proposed development on any property located on Fairview Road:

(2) *Minimum lot requirements:*

- a. *Lot width:* Each lot shall have a minimum lot width of 100 feet.
- b. *Lot area:* Each lot shall contain a minimum lot area of 18,000 square feet.

(5) *Minimum yard requirements:*

a. *Setbacks:*

6. South side, Oakdale road to east end of Fairview Road, NE:

Front yard: 50 feet.

Side yards: 25 feet.

Rear yards: 100 feet.

Site

Per regulations, the side yard shall be no less than 25' and the rear yard shall be no less than 100'. The Applicant has not submitted a site plan, therefore Staff cannot determine whether the setback requirements have been met. Staff recommends the Applicant provide documentation the side and rear yard setback requirements have been met. As the proposed alteration does not increase the footprint, Staff finds that lot coverage is not an issue in this case. Staff would note there are no FAR requirements in this subarea.

The Commission reviews alterations to any structure within the district, whether or not said alterations can be seen from the public right-of-way

Alterations

The Applicant is proposing to create a screened porch by extending the existing sun room roof and adding columns. The screened porch will be located over an existing garage. Staff finds the overall design, materials and location of the screened porch is appropriate. Staff finds the proposed alteration does not negatively impact the existing historic house. Staff has no concerns regarding the proposal.

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.006.

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA2-14-230) for alterations at **1505 Fairview Rd.** - Property is zoned Druid Hills Landmark District, with the following conditions:

1. The Applicant shall provide documentation the proposed project meets the setback requirements, per Section 16-20B.005(a)(6); and
2. Staff shall review and if appropriate, approve the final plans.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 27, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-14-232) for alterations at **361 Kendrick Avenue**. - Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline.

Applicant: Beth Josephie
393 Grant Park Place

Facts: The 1960s non-contributing building appears to be relatively unaltered from its original configuration. The house sits on the south side of Kendrick Avenue, with the lot rising from the back of the sidewalk.

The Staff understands that there are additional renovations planned for the exterior of the house. However, given the District regulations, none of the alterations to the sides or rear facades of the house are subject to review by the Commission or the Staff. Therefore, the Staff has previously approved work on the non-street facing facades of the house.

On the front façade, the Applicant proposes to replace two sets of paired, metal windows with wood windows within the same openings and with the same light pattern.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

(1) General Criteria.

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
- c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.

(2) Certificates of Appropriateness.

- b. Type II Certificates of Appropriateness shall be required for: Minor alterations to those façades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
- c. Type III Certificates of Appropriateness shall be required for:
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.

Section 16-20K.007. Specific Regulations - Residential Subarea I

(1) Development Controls.

- a. Front Yards: Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- b. Side Yards: Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- c. Rear Yard: Rear yard setback shall be seven feet.

(2) Architectural Standards.

- A. Statement of Intent. The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

- B. Design Standards and Criteria for New Principal Structures.

11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.

- C. Design Standards and Criteria for Alterations and Additions to Non-contributing Structures. Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

While the Staff would strongly suggest that the Applicant try to retain and repair the windows given they are likely the original windows, the District regulations do allow for window replacement on a non-contributing house if the new windows are “consistent with and reinforce the architectural character of the existing structure.” That Staff finds that absent repair of the existing windows, wood windows with the same light pattern, size, and relationship to the original opening would meet that District criteria. The Staff would add that the second option allowed for renovations to non-contributing houses (compliance with the new construction requirements, which in turn has two options itself) could result in an awkward or incompatible window design given that one of the choices for that option requires compatibility with contributing houses, which would likely be non-Ranch houses. The second choice for the new construction option allows for fenestration to meet more basic and quantitative requirements that are not necessarily related to the architectural style of the house or the retention of historic fabric.

In conclusion, the Staff finds that the proposed windows meet the District regulations.

Staff Recommendation: Based upon the following:

1. The proposal meets the District regulations, per Section 16-20K.006 and 16-20K.007.

Staff recommends approval of an application for a Type II Certificate of Appropriateness (CA2-14-232) for alterations at **361 Kendrick Avenue** - Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **August 27, 2014**

Agenda Item: Review and comment (RC-14-233) on the renovation and addition to Crawford W. Long Middle School

Applicant: BRPH Architects- Engineers, Inc.
2727 Paces Ferry Road

Facts: The existing middle school is located in Glenrose Heights neighborhood in NPU Z.

According to AUDC files, the first two school buildings (consisting of 48,766 sq. ft. and 35,367 sq. ft.) were built in 1958, and an addition was made in 1994 of 23,550 sq. ft. In 1997, significant renovations occurred at the building, including new roofing, plumbing/pipe replacement, and gym floor.

In 2005, the Commission issued comments on application (RC-05-082) on the following renovations and additions:

- 1) Reconfiguration of the existing parking lot and drop off-area
- 2) Addition of third story to existing classroom building;
- 3) Replacement of windows and/or window glazing in all buildings;
- 4) Replacement of some exterior doors and door systems in all buildings;
- 5) Small, “bump out” additions to cafeteria building; and
- 6) Replacement of existing canopy along drop-off area;

The current application proposes the following changes:

- 1) A three story classroom addition;
- 2) An expansion of the administrative offices;
- 3) A new auditorium;
- 4) Reconfiguration of the entry drive and bus loop; and
- 5) New softball field and multi-use field.

Per Section 6-4043 of the Atlanta City Code:

- (5) The Commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, highways, gates, fences, railings, lamp standards, and other structures or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.
- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

Per Section 16-20.009. Same; further standards.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Whenever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Classroom Addition

The Applicant is proposing to add a three story wing to the existing three story classroom building. The proposed addition will feature an overall massing and fenestration that matches the existing building. While the new addition uses brick beneath the fenestration to match the existing building, there are large cast stone sections that clearly differentiate the new addition from the existing building. Staff finds the proposed addition is appropriate and compatible with the existing building.

Expansion of the Administrative Offices

The Applicant is proposing to expand the existing administrative offices with an addition at the front of the existing building. Staff finds the proposed design, massing and materials of the proposed addition is consistent and compatible with the existing building. While Staff has no concerns regarding expanding the administrative space, Staff questions whether this expansion can be done in a way that does not place an addition in front of an existing historic building.

Staff acknowledges that the lot is constrained by changes in the topography. With that said, Staff finds it might be possible to move the proposed administrative addition behind the existing cafeteria. The existing administrative offices would still be located in the front and the new addition could be connected to the offices behind the cafeteria. It is not clear whether this existing topography would prevent this solution. Staff suggests the Applicant clarify whether there are other location options for the proposed administrative office expansion.

New Auditorium

The Applicant is proposing a new auditorium at the front of the existing canopy. Staff finds the proposed design, massing and materials of the proposed auditorium is consistent and compatible with the existing buildings on the site. Staff finds the auditorium will block the existing canopies, green space and most of the classroom building. While Staff has no general concerns regarding adding an auditorium to the campus, Staff questions whether there are other location options for the proposed auditorium. In looking at the site, Staff finds it could be possible to relocate the tennis court and place the auditorium on the side of the existing gym. Staff suggests the Applicant clarify whether there are other location options for the proposed auditorium addition.

Reconfiguration of the entry drive and bus loop

The Applicant is proposing to reconfigure the entry drive and bus loop area to accommodate the proposed additions. In looking at the aerial pictures, there is a loop directly in front of the canopy that leads to the parking area. In the current configuration, it looks like the kids are dropped off at the canopy which leads to the entryway. In looking at the proposed site plan and elevations, it is not clear where the kids land when being dropped off. There is no canopy at drop off and there is no indication of a sidewalk on the site plan. Staff suggests the Applicant clarify what happens when the kids are waiting for the bus and what happens when they get off the school bus. In looking at the site plan an accessible parking area has been added near the front of the school. Staff has no concerns regarding the added accessible parking.

New Softball Field and Multi-Use field

The Applicant is proposing to install a new softball field and a multi-use field. In general, Staff has no concerns regarding the location of the proposed fields. In looking at the site plan, it is not clear how the proposed fields will be accessed from different places on the campus. Staff suggests the Applicant clarify whether additional walkways will be installed to allow for access to the different amenities. There was no signage included in the package. Staff suggests there be signage to direct students and visitors to the various amenities.

Given the information we have at this time, Staff suggests the Commission deliver its comments at the meeting.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **August 27, 2014**

Agenda Item: Review and Comment (RC-14-234) for an addition and site work at **774 Virginia Avenue (Inman Middle School)**- Property is zoned R-4/Beltline.

Applicant: BRPH Architects- Engineers, Inc.
2727 Paces Ferry Road

Facts: The existing school is located in the Virginia Highland neighborhood in NPU F.

According to AUDC files, the existing school was constructed in 1923. There were additions in 1929 (11, 868 sq. ft.), 1938 (6,862 sq. ft.), 1981 (19,656 sq. ft.) and 1983 (18,350 sq. ft.).

In 2003, the Commission voted to send a letter of support regarding renovations and additions to the existing school.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

Site

In looking at the City of Atlanta lot boundary maps, the existing lot has frontage on Park Drive, Clemont Drive, Virginia Avenue and Ranier Street. The nearly square lot has frontages of 330' and 369' on its longest side. The site plan submitted by the Applicant is a much larger rectilinear lot with frontage that stretches all the way to Greencove Avenue. Given the significant discrepancy between the City records and the site plan submitted, Staff would strongly suggest the Applicant meet with the Office of Planning subdivision staff to resolve the discrepancy.

Site Work

The Applicant is proposing the following site work:

- Re-grading of existing ball field
- New 6' aluminum fences
- Retaining wall
- New gate
- New ramp
- Improved bus drop off

Staff has no concerns regarding the re-grading of the ball field, the installation of retaining walls or the installation of a new ramp. Staff finds the fences are highly appropriate as they create a buffer between the recreation area and the street and also from some of the existing house lots. The Applicant is proposing to improve the bus drop off at the front of the school. In general, Staff has no concerns regarding improving bus drop off. In looking at the site plan and the elevations, it is not clear how the bus drop off will actually be improved. Staff suggests the Applicant clarify how the bus drop off will be improved at the front of the school.

Alterations and Additions

The Applicant is proposing a two-story addition at the rear of the existing school. In looking at the aerial picture submitted by the Applicant, it appears one of the parking lots will be eliminated in order to accommodate the addition. While parking will become a bigger issue than it is currently, Staff finds the constraints of the lot make the proposed location the only feasible place for the addition. Staff finds the overall massing, design and materials are consistent and compatible with the existing school. Staff finds the changes in the fenestration on the south elevation and the first portion of the east elevation will help delineate the addition from the existing historic building. Staff finds the proposed addition creates needed space while allowing the historic building to remain the dominant feature. Staff has no concerns regarding the proposed addition.

Given the information we have at this time, Staff recommends the Commission deliver its comments at the meeting.



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MAYOR

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55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 27, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-199) for alterations and an addition at **756 Ormewood Avenue**. - Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline.

Applicant: Eric Hodge
568 14th St.

Facts: The 1940s contributing building appears to be relatively unaltered from its original configuration, though a projecting front ell that would not be necessarily common to this house type and time period of construction. The house sits on the northeast corner of Ormewood Avenue and Eloise Street. There is an existing chain link fence around the house and a concrete walkway from the front door to the sidewalk along Ormewood Avenue.

Given the District regulations, none of the alterations to the interior side (east) facade of the house would be subject to review by the Commission or the Staff. The renovations to the front (south), street-facing side (west) and the west façade and massing of the rear addition are subject to the review by the Commission and the Staff. The Applicant proposes to:

1. Add cementitious siding;
2. Re-roof the existing house;
3. Remove the existing covered stoop and replace it with a 16 ft. wide and 12 ft. 3 in. deep front porch with split columns and railing; and
4. Remove a rear screened porch and add a rear, 20 ft. deep addition to the north (rear) façade of the existing house.

No site work is proposed as this time.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.
(1) *General Criteria.*

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
- c. Type III Certificates of Appropriateness shall be required for:
 - 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.

Section 16-20K.007. Specific Regulations - Residential Subarea I

(1) *Development Controls.*

- a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- c. *Rear Yard:* Rear yard setback shall be seven feet.

(2) *Architectural Standards.*

- A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

B. Design Standards and Criteria for New Principal Structures.

- 1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
- 3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
- 4. All front façades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
- 5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
- 11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
- 15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.

- b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- D. Design Criteria for Alterations and Additions to Contributing Structures. Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:
- 1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
 - 2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

Add cementitious siding.

It is not clear from the applicant if the existing vinyl siding will be removed to install the cementitious siding. If it will be removed, the Staff does not have any concerns about its removal. It is also not clear if there is any siding underneath the vinyl siding that could be original or historic to the house. If there is siding underneath the vinyl siding and it is original or historic to the house, its unnecessary removal would not be consistent with or reinforce the historic architectural character of the entire house and its removal would destroy historic materials.

The Staff would recommend that the Applicant provide more information about any siding underneath the vinyl siding. The Staff would further recommend that the Applicant document that any historic or original siding underneath the vinyl siding cannot be retained and repaired in kind. The Staff would further recommend that if the Applicant documents that any historic or original siding cannot be retained and repaired in kind, any new siding have the same proportions, reveal, size and orientation as any existing original or historic siding found underneath the vinyl siding. The Staff would further recommend that if not original or historic siding exists underneath the vinyl siding, the new siding meet the District regulations.

Re-roof the existing house.

The Staff has no concerns about the re-roofing of the house.

Remove the existing covered stoop and replace it with a 16 ft. wide and 12 ft. 3 in. deep front porch with split columns and railing.

It would appear that the existing front stoop is original or historic to the existing house. The Staff finds that the complete removal of the front stoop is not consistent with and does not reinforce the architectural character of the existing structure. Further, it would destroy historic materials. While the expansion of that stoop could meet the District regulations, the Staff does not find that the proposed porch detailing meets that requirement given that the columns are too large and ornate for this time period of a house, it is not clear the design of the front porch floor,

and the railing appears too much like those found on earlier bungalow type houses. The Staff would recommend that the new front porch columns are similar in size, detailing, and design at the existing front stoop columns; the front porch floor is masonry; and the front porch railing is removed from the design.

Remove a rear screened porch and add a rear, 20 ft. deep addition to the north (rear) façade of the existing house.

The lot coverage appears to meet the zoning regulations. There are no floor area ratio calculations shown on the site plan. The Staff would recommend the Applicant provide floor area ratio calculations.

Also, some of the graphics on the site plan are not clear. The proposed addition is shown in a hatched pattern. However, an area behind the addition (around the existing driveway) is also shown in a hatched pattern making it seem similar to the footprint of the addition. The Staff would recommend the Applicant clarify the addition's graphics on the site plan.

The Staff finds that the rear addition's shape, height, and some of the setbacks meet the District regulations. The addition is rectilinear and has a simple rear facing gable. The addition's height is equal to the existing house and less than 35 ft. Regarding the setbacks, the interior side yard and rear setbacks are more than 7 ft.

However, regarding the half-depth front yard along Eloise Street, the Staff does have concerns about the setback because the addition is closer to the street than the existing house, given that the existing house sits slightly askew on the lot. While this setback could meet the District regulations, the Staff is concerned about the relationship between the addition and the existing house as the addition continues the side façade of the existing house without any delineation or break in the façade. This un-interrupted façade will eliminate any distinction between the old and new portions of the house. The Staff would recommend that the addition be inset away from Eloise Street to break up the massing of the house.

Further, the Staff does have concerns about other elements of the addition. First, the fenestration of the rear addition only has one small window leaving a significant amount of blank wall along that façade. The Staff would recommend that the Eloise Street façade of the addition meet the District regulations regarding the fenestration pattern or quantitative amount. Second, the foundation material is not specified on the plans. The Staff would recommend the Applicant specify the foundation materials on the plans and such material meet the District regulations.

The Staff would add that the existing conditions of the windows shown on the front façade do not match those in the field. On the left side of the front façade, the windows are actually four single windows vs. the two single windows shown on the drawing. The Staff would recommend the Applicant clarify the proposal for the front façade windows.

Staff Recommendation: Based upon the following:

1. Except as noted above, the proposal meets the District regulations, per Section 16-20K.006 and 16-20K.007.

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-14-199) for alterations and an addition at **756 Ormewood Avenue**. - Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline, with the following conditions:

1. The Applicant shall provide more information about any siding underneath the vinyl siding; the Applicant shall document that any historic or original siding underneath the vinyl siding cannot be retained and repaired in kind; if the Applicant documents that any historic or original siding cannot be retained and repaired in kind any new siding shall have the same proportions, reveal, size and orientation as any existing original or historic siding found underneath the vinyl siding; and that if no original or historic siding exists underneath the vinyl siding, the new siding shall meet the District regulations, per Section 16-20K.007(2)(D);
2. The Applicant shall provide floor area ratio calculations;
3. The Applicant shall clarify the addition's graphics on the site plan;
4. The addition shall be inset away from Eloise Street to break up the massing of the house, per Section 16-20K.007(2)(D);
5. The Eloise Street façade of the addition shall meet the District regulations regarding the fenestration pattern or quantitative amount, per Section 16-20K.007(2)(D);
6. The Applicant shall specify the foundation materials on the plans and such material shall meet the District regulations, per Section 16-20K.007(2)(D);
7. The Applicant shall clarify the proposal for the front façade windows; and
8. The Staff shall review, and if appropriate approve, the final design and supporting documentation.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 27, 2014

Agenda Item: Application for a Review and Comment (RC-14-238) for two new pedestrian bridges at **230 Spring Street (aka 196 Spring Street)** and **240 Peachtree Street**. Properties are zoned Downtown SPI-1 (Subarea 1).

Applicant: Gregory Avitabile
240 Peachtree Street

Facts: The proposed pedestrian bridges would be located over Spring Street connecting AmericasMart Buildings #1 and #2 on the block bounded by John Portman Boulevard and Andrew Young International Boulevard. Concurrent to the Commission's review of the proposed bridges themselves, the Commission is reviewing and commenting on a zoning text amendment to the Downtown SPI-1 Special Public Interest District regulations to allow for pedestrian bridges over the public right-of-way pursuant to criteria specified in the ordinance. It is expected that the legislation for the SPI text amendment and the encroachment agreement to allow these particular bridges to occur will be acted on by the Atlanta City Council at the same time.

Analysis: The following code section applies to this application.

Per Section 6-4043:

(5) The commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, highways, gates, fences, railings, lamp standards, and other structures or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.

Presuming that the text amendment to SPI 1 is adopted by the City of Atlanta, the proposed bridges would need to meet the conditions under which such bridges over the public right of way are permitted. These conditions limit new bridges over the public right of way to buildings of a certain size, that are under the same ownership, and that otherwise meet some of the basic requirements of the rest of the SPI 1 regulations. The Office of Planning Staff is discussing with

the property owner potential options for improving the streetscape surrounding their buildings and possible improvements to the ground floor of the buildings.

As for the bridges themselves, the Staff finds that given their overall height above the sidewalk (91 ft. and 109 ft. as measured to the top of the bridge), their relationship to the other existing bridges, and their basic design, they will have little aesthetic or visual effect on the public right of way or the pedestrian experience on Spring Street. The Staff would note that the bottom of the two bridges would be approximately 72.5 ft. and 87 ft., respectively, above the street. The bridges will be similar to those that already exist maintaining a consistent design for all of the bridges over the right-of-way. Given their height above the sidewalk, the use of clear materials on the sides of the bridge would have no effect on the actual visibility from Spring Street of anybody in the bridge and thus the material choice would do little to provide a sense of activity above the street.

However, the Staff would strongly support the improvement of the streetscape around the existing buildings to enhance the pedestrian environment for those who are walking around the AmericasMart complex and to create more inviting places for AmericasMart patrons to go or pass through when they are not inside the buildings. These improvements could include enhanced lighting, tree plantings, signage, outdoor seating, public art installations, temporary / “pop up” stores, and display panels / cabinets. The panels / cabinets would have information about the buildings, the “Mart” business, the history of the “Mart” business concept, the relationship of the “Mart” to the City of Atlanta economically, etc.

Staff Recommendation: Confirm that the Staff and Commission comments were delivered at the Commission meeting regarding the Application for a Review and Comment (RC-14-238) for new pedestrian bridges at **230 Spring Street (aka 196 Spring Street)** and **240 Peachtree Street**.



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M. KASIM REED
MAYOR

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www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 27, 2014

Agenda Item: Application for a Review and Comment (RC-14-239) on Z-14-048 to amend the Downtown SPI-1 Special Public Interest District of the Zoning Ordinance of the City of Atlanta.

Applicant: Office of Planning
55 Trinity Avenue, Suite 3350

Facts: The proposed zoning text amendment to SPI-1 would allow pedestrian bridges and tunnels above or below a public street pursuant to criteria specified in the zoning district. Concurrent to the Commission's review of the text amendment, the Commission is reviewing and commenting on two proposed pedestrian bridges that would be located over Spring Street connecting AmericasMart Buildings #1 and #2 on the block bounded by John Portman Boulevard and Andrew Young International Boulevard. It is expected that the legislation for the SPI text amendment and the encroachment agreement to allow these particular bridges to occur will be acted on by the Atlanta City Council at the same time.

Analysis: The following code section applies to this application.

Per Section 6-4043:

- (5) The commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, highways, gates, fences, railings, lamp standards, and other structures or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.
- (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

While the Staff has previously found that pedestrian bridges over the public right of way were not compatible with the City's urban design and public policy goals for Downtown, the Staff now finds that in certain instances and under certain conditions they are appropriate. In particular, the Staff finds that given the essentially fixed block size in Downtown, the ability to connect two buildings that share the same business (such as the AmericasMart) is essential to

their continued success and economic viability. This in turn helps to sustain Downtown's economic role in the regional economy.

The proposed text amendment would allow such bridges and tunnels across the public right-of-way to connect buildings of over a certain size, that are under the same ownership, and that otherwise meet some of the basic requirements of the rest of the SPI-1 regulations regarding storefront treatment, active use on the ground floor, and streetscape treatments.

While the Staff supports the conditions of the proposed text amendment, it finds that there could be additional detail added to the criteria that would ensure that proposed bridges (in particular) are both economically viable and beneficial to the associated businesses and at the same time minimize their actual and perceived effects on Downtown's urban design and pedestrian character.

The Staff would recommend that the legislation also include requirements that new bridges have a minimum height above the street and a maximum cross-sectional width and internal height to reduce the potential for creating a tunnel effect above the street. For the same reason, the Staff would further recommend that there be an overall maximum length on the amount of the public right-of-way on any given block that could be "covered" by bridges regardless of their individual size or height above the street.

The Staff would also recommend that new bridges above within a certain height over the street be designed to maximize their use of transparent materials to increase the visibility into the bridge. This would allow for the activity within the bridge (i.e. people coming and going) to be more engaged to the rest of the street-level activity in the public right-of-way "corridor".

Further, the Staff would also recommend that new bridges only be used for pedestrian circulation (vs. being an actual building or parking deck over the right-of-way) so as to narrow the bridge width over the right-of-way and to eliminate the possibility that active uses could be placed in the bridge instead of on the street or on publically-accessible plazas.

The Staff would recommend that there is a prohibition or severe limitation on potential signage or advertizing on the bridge within the public right-of-way. The Staff would note that this would not prohibit installation of public art or other non-commercial graphics or text.

Lastly, the Staff would recommend that new bridges above but within a certain range of the minimum height above the street include lighting illuminating the bridge itself and the spaces below the bridge. Apart from adding visual interest to the bridge, the down lighting would reduce the potential for darkening or shadowing of the sidewalks and street below the bridge.

Staff Recommendation: Send a letter with Commission comments to the Director of the Office of Planning regarding the Application for a Review and Comment (RC-14-239) on Z-14-048 to amend the Downtown SPI-1 Special Public Interest District of the Zoning Ordinance of the City of Atlanta.